

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter and are in condition for allowance as set forth below.

Applicants have noted the Examiner's statement that the Information Disclosure Statement (IDS) submitted October 8, 2004 was incomplete. Applicants advise that legible copies of all the listed references were submitted as stated in the IDS and evidenced by the PTO date-stamped postcard attached hereto. To ensure that the record is complete, applicants hereby resubmit copies of the foreign documents set forth on applicants' PTO Form 1449 of October 8, 2004, i.e., European Application No. 0 622 321 A2, European Application No. 0 622 321 A3 and PCT International Application No. WO 99/02439. Additionally, attached is a new PTO Form 1449 listing these three documents. Consideration of these documents is respectfully requested.

Claims 59-62 are objected to under 37 CFR 1.75(c) as being in improper multiple dependent form. Claim 59 has been amended to identify the dependent claims in the alternative. Withdrawal of the objection is requested.

Applicants note the Examiner's indication that claims 49-52, 55, 57, 58/57, 63-67, 72-74, 80 and 83 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The outstanding rejections are as follows:

- (1) Claim 71 under 35 U.S.C. §112, second paragraph, as being indefinite;
- (2) Claims 45-47, 53, 56, 58/56, 70, 76-79 and 84-85 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,257,748 (Morizzo);
- (3) Claims 48, 54 and 75 under 35 U.S.C. §103(a) as being unpatentable over Morizzo;
- (4) Claims 68-69 and 86-88 under 35 U.S.C. §103(a) over Morizzo in view of U.S. Patent No. 4,422,588 (Nowisch); and
- (5) Claims 81-82 under 35 U.S.C. §103(a) over Morizzo in view of U.S. Patent No. 6,129,304 (Biagiotti).

Initially for ease of consideration by the Examiner, applicants advise that the claims have been amended as follows:

Claim 45 - Cancelled.

Claim 46 - Amended to be dependent on claim 49.

Claim 47 - Unchanged.

Claim 48 - Unchanged.

Claim 49 - Amended to incorporate base claim 45
and placed in independent form.

Claim 50 - Unchanged.

Claim 51 - Unchanged.

Claim 52 - Unchanged.

Claim 53 - Amended to be dependent on claim 49.

Claim 54 - Unchanged.

Claim 55 - Unchanged.

Claim 56 - Amendment to incorporate base claim 45
and the limitation of claim 57 and
placed in independent form.

Claim 57 - Amended to incorporate base claim 45
and placed in independent form.

Claim 58 - Unchanged.

Claim 59 - Amended as to be dependent in the
alternative.

Claim 60 - Unchanged.

Claim 61 - Unchanged.

Claim 62 - Unchanged.

Claim 63 - Unchanged.

Claim 64 - Unchanged.

Claim 65 - Unchanged.

Claim 66 - Unchanged.

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Claim 67 - Unchanged.

Claim 68 - Amended to depend from claim 49, 54 or 57.

Claim 69 - Unchanged.

Claim 70 - Amended to depend from claim 49, 54 or 57.

Claim 71 - Amended to depend from claim 49, 54 or 57 and as to certain terminology.

Claim 72 - Unchanged.

Claim 73 - Unchanged.

Claim 74 - Unchanged.

Claim 75 - Amended to depend from claim 49, 54 or 57.

Claim 76 - Canceled.

Claim 77 - Amended to depend from claim 80.

Claim 78 - Amended to depend from claim 80.

Claim 79 - Amended to depend from claim 80.

Claim 80 - Amended to incorporate base claim 76 and placed independent form.

Claim 81 - Amended to incorporate base claim 76 and add language as well as placed in independent form.

Claim 82 - Amended to depend from claim 83 or 90.

Claim 83 - Amended to incorporate base claims 76 and 81 and placed in independent form.

Claim 84 - Amended to depend from claim 83 or 90.

Claim 85 - Amended to incorporate base claim 76 and placed in independent form.

Claim 86 - Amended to depend from claim 83 or 90.

Claim 87 - Unchanged.

Claim 88 - Unchanged.

Claim 89 - New; a combination of claims 45, 53 and 54.

Claim 90 - New; based on claims 76 and 81 with added language.

Accordingly, in view of the above amended claims, claims 46-70, 72-75, 77-80, 82-84, and 86-88 are in condition for allowance as either being an allowed claim or incorporating or being dependent upon an allowed claim. Accordingly, the remaining claims to be addressed are claims 71, 81, 85, 89 and 90.

As to claim 71, claim 71 is now dependent on allowed base claims but is rejected under 35 U.S.C. §112, second paragraph, based on the terms "rigid member" and "resilient pressing side members". The Examiner asserts that such are relative terms. Applicants submit that such terms are definite, in particular in view of the description

at page 13, lines 16-26, of the captioned specification. However, to move prosecution forward, claim 71 has been amended to refer to a "severing member" and "yieldable side members". Support is present in the specification at page 13, lines 24-26 and 18-20, respectively. Withdrawal of the §112 rejection is respectfully requested.

As to claim 81, claim 81 has been rewritten incorporating base claim 76 and further providing that unwinding is started on the second winding core while the severing device is still in a severing position. This feature increases the production rate of the machine and is not possible to achieve with the device described in Morizzo which requires the use of air nozzles to wind the first turn of web material onto a new core which in turn requires the removal of the cutting device from the cutting position. Further, the upper winding roller must be moved to a winding position before the start of winding of a new log thereby requiring additional time since the leading edge must be wound around the new core by the air nozzles (see Figure 5 of Morizzo) and only afterwards can the third winding roller 48 be lowered to start winding. Applicants avoid these requirements by applying glue on the core and starting winding of the web on the second core before removing the severing device from a severing position. Claim 81 is thus

submitted to be patentably distinct from the applied references within the meaning of 35 U.S.C. §103. Withdrawal of the §103 rejection is respectfully requested.

New claim 90 is a combination of claims 76 and 81 and further provides that the glue is applied simultaneously on substantially an entire length of the winding core. Claim 90 is distinct from the applied art since Biagiotti teaches applying glue by traversing a carriage. The carriage 31 supports both the web cutter and the glue nozzle. Cutting and gluing requires time during which the machine is not producing. Accordingly, claim 90 provides a distinct feature and advantage over the applied art.

As to claim 85, claim 85 has been rewritten in independent form and corresponds to allowed claim 57. Claim 85 provides for inserting at least one second winding core into the winding cradle by an ejector and an insertion member which are integral with each other. Withdrawal of the rejection of claim 85 is respectfully requested.

As to new claim 89, claim 89 is a combination of claims 45, 53 and 54 and provides for a movable element supported by a pair of oscillating arms and a winding roller supported by the oscillating arms. This structure allows for the simultaneous operations of cutting the web between a formed log and a new core and starting winding of a new log

in the winding cradle. Thus, the claimed machine arrangement provides for faster machine operation and, thus, an increased production rate with less mechanical elements. Morizzo, in contrast due to its described machine structure and operation, e.g. use of air nozzles 110 and 111 (Figure 5) or air nozzle 211 and arm 271 (Figure 12) for winding of a turn on a new core, requires a long time between cutting of the web and the start of winding of a new log. Thus, the claimed combination of elements is not obvious as evidenced by the advantages obtained.

Accordingly, applicants respectfully submit that the applied references do not render the claimed rewinding machine and method unpatentable within the meaning of 35 U.S.C. §102 or §103. Thus, withdrawal of the rejections under 35 U.S.C. §102 and §103 is respectfully requested.

Reconsideration and formal allowance of the claims are respectfully requested.

Respectfully submitted,

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Attachments - 10/08/2004 PTO Date-Stamped Postcard
- Form 1449 w/3 Documents As Listed Thereon